

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DAJON BURTON,

Plaintiff,

v.

FRESNO COUNTY JAIL, et al.,

Defendants.

No. 1:24-cv-00394-SAB (PC)

ORDER TO SHOW CAUSE WHY ACTION  
SHOULD NOT BE DISMISSED

(ECF No. 3)

Plaintiff is proceeding pro se in this action filed pursuant to 42 U.S.C. § 1983.

Plaintiff filed the instant action on April 3, 2024. On April 5, 2024, the Court ordered Plaintiff to submit an application to proceed in forma pauperis or pay the \$405.00 filing fee within forty-five days. (ECF No. 3.) Plaintiff has failed to comply with the Court's order and the time to do so has passed.

In order to proceed with a civil action, plaintiff is required to either pay the filing fee or be granted leave to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a); see also Rodriguez v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999). Plaintiff has not paid the filing fee or sought leave to proceed in forma pauperis in this action. By order dated April 5, 2024, Plaintiff was directed either submit a completed in forma pauperis application or pay the filing fee. (ECF No. 3.) Plaintiff was given forty-five days to comply with the court's order and was advised that

1 failure to comply with the order would result in dismissal of the action. The forty-five days have  
2 passed, and Plaintiff has not moved to proceed in forma pauperis or paid the filing fee.

3 Accordingly, Plaintiff shall be ordered to show cause why the action should not be dismissed for  
4 failure to prosecute and failure to comply with a court order.

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. Within **fourteen (14)** days from the date of service of this order Plaintiff shall  
7 show cause why the action should not be dismissed; and
- 8 2. Failure to comply with this order will result in a recommendation to dismiss this  
9 action, without prejudice, for failure to prosecute and failure to comply with a  
10 court order.

11 IT IS SO ORDERED.

12 Dated: May 30, 2024

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15 UNITED STATES MAGISTRATE JUDGE  
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